

FILED

JUL 16 2013

UNITED STATES DISTRICT COURT

for the
Northern District of California

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

United States of America
v.

PATRICK STEVEN PEARMAIN

Defendant(s)

Case No.

1:13-mj-70824 NJV

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 12 through May 2, 2013 in the county of Lake in the
Northern District of California, the defendant(s) violated:

Code Section
Title 21, United States Code,
Section 846, 841(a), (b)(1)(A)

Offense Description
Conspiracy to possess with intent to distribute 1,000 or more plants of
marijuana

Title 21, United States Code,
Section 861

Use of a minor in drug operations

This criminal complaint is based on these facts:
See attached affidavit of Special Agent Andrew Jensen

☒ Continued on the attached sheet.


Complainant's signature

Andrew Jensen, HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date:

7/16/13


Judge's signature

City and state: San Francisco, California

United States Magistrate Judge
Printed name and title

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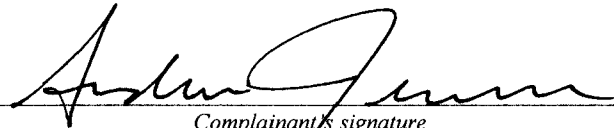
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Andrew Jensen, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: _____

Judge's signature

City and state: San Francisco, California

United States Magistrate Judge

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Andrew Jensen, do swear and affirm as follows:

INTRODUCTION AND PURPOSE FOR AFFIDAVIT

1. This affidavit is submitted in support of a criminal complaint against RYAN ALAN BALLETTTO for violations of 21 U.S.C. § 846 – Conspiracy to Possess with Intent to Distribute 1,000 or More Marijuana Plants, 21 U.S.C. § 861 – Use of a Minor in Drug Operations, and 18 U.S.C. § 924(c) – Possession of a Firearm in Furtherance of a Drug Trafficking Crime.

2. It is also submitted in support of a criminal complaint against PATRICK STEVEN PEARMAIN for violations of 21 U.S.C. § 846 – Conspiracy to Possess with Intent to Distribute 1,000 or More Marijuana Plants and 21 U.S.C. § 861 – Use of a Minor in Drug Operations.

3. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, my review of documents and records related to this investigation, communications with others who have personal knowledge of the events and the circumstances described herein, and information gained through my training and experience. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of a complaint, it does not set forth each and every fact that I, or others, have learned during the course of the investigation.

AGENT BACKGROUND

4. I am a Special Agent (SA) with the Department of Homeland Security, Immigration and Customs Enforcement (ICE), assigned to the Special Agent in Charge, San Francisco (SAC/SF). I have been so employed since February 2, 2008. As part of my daily duties as an ICE Special Agent with the Contraband Smuggling Group, I investigate criminal violations relating to violations of Titles 21 and 18 of the United States Code. I have received training and have actual experience relating to federal criminal procedures, federal statutes, and U.S. Immigration and Customs regulations. In the course of my career, I have conducted or participated in narcotics investigations in which methamphetamine, cocaine, opium, marijuana, MDMA, GBL, precursor chemicals, firearms, and/or currency were seized. I hold a Bachelor's degree from California State University, Sacramento, and I have been a sworn federal law enforcement officer since 2006. Prior to my employment with ICE, I was employed as a Federal Air Marshal with the Federal Air Marshal Service, and graduated from the Criminal Investigators Training Program and ICE Special Agent Training at the Federal Law Enforcement Training Center in Brunswick, Georgia.

APPLICABLE LAW

5. Title 21, United States Code, Section 846 prohibits a person from conspiring to manufacture, distribute, dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance. Title 21, United States Code, Section 861 prohibits a person from employing, hiring, using, persuading, enticing, or coercing a person under eighteen years of age in committing a drug offense. Title 18, United States Code, Section 924(c) prohibits the possession of a firearm in furtherance of any drug trafficking crime.

FACTS ESTABLISHING PROBABLE CAUSE

Background of Investigation of RYAN ALAN BALLETTTO

6. Beginning in December 2011, the Department of Homeland Security, Immigration and Customs Enforcement (ICE), began an investigation into suspected narcotics trafficking by RYAN ALAN BALLETTTO and others. As part of this investigation, in August 2012, the Homeland Security Investigations Asset Identification and Removal Group identified six parcels of land that had been purchased by BALLETTTO in April 2011 as well as one parcel of land that had been purchased in July 2010. Several of these parcels are located in the Ogulin Canyon area of Lake County, California.

7. On April 12, 2013, Lake County Sheriff's Office Detective Frank Walsh conducted a flyover of the property owned by RYAN BALLETTTO in Ogulin Canyon, an area outside of Clear Lake in Lake County, California. Det. Walsh confirmed the ownership by using a commercial database that provides assessor parcel numbers (APN), APN boundaries, property ownership information, global position system (GPS) coordinates, and satellite photographs of queried property records. During that flyover, based on his training and experience, Det. Walsh identified two greenhouses on the property that were full of marijuana plants.

8. Using a handheld GPS device, Det. Walsh collected the coordinates of the greenhouses: Latitude 38 59.575N by Longitude 122 34.908W. These coordinates are identified in the APN database as 990 Junction Plaza Road, Clearlake, CA, APN 010-055-240-000, with RYAN BALLETTTO as the owner of record. The property is a rural, undeveloped parcel which is accessed using a dirt easement road at the end of Ogulin Canyon Road. Further investigation using a commercial APN database showed that BALLETTTO currently owns a total of five parcels in the same area, all bordering each other with no visible permanent structures, totaling

681 acres ("BALLETO's parcels"). All of the parcels are accessed through the same dirt easement road at 1750 Ogulin Canyon Road, Clearlake, CA.

9. Det. Walsh and I then began planning the application and execution of search warrants on BALLETO's parcels for the second week of May 2013.

Search For A Missing Juvenile From Los Angeles

10. While these preparations were underway, on April 29, 2013, the Los Angeles Police Department requested urgent assistance of the Lake County Sheriff's Office regarding a missing juvenile from the Los Angeles area, hereafter referred to as "the Minor." According to the Los Angeles Police Department, they had information that a juvenile female was being held against her will on BALLETO's property in Lake County. According to the Los Angeles officers, BALLETO had kidnapped the girl to have sex with her.

11. In response to this request, on April 29, 2013, Lake County Deputies went to BALLETO's listed home address— 7515 Zeno Road, Lakeport, California. Because of multiple prior contacts, deputies knew BALLETO to reside at this address. Further, a records check through the California Department of Motor Vehicles database showed that as recently as January 2013, BALLETO reported this as his residence. At that address, deputies contacted a woman who identified herself as BALLETO's girlfriend. Deputies asked her about the missing juvenile and about BALLETO, but she was uncooperative and told the patrol officers that BALLETO had not been home for three days.

12. Following the contact with BALLETO's girlfriend, on the morning of April 30, 2013, a female called Lake County Sheriff's Office (LCSO) Dispatch and identified herself as the Minor. In that call, this person told the dispatch officer that she was "okay." The female

made a second call to the LCSO Dispatch and said that she was with someone named "Ryan" in Sacramento. LCSO was able to identify the phone number used to make that call and relayed that information to the LAPD.

13. Based on this information, Det. Walsh proceeded immediately with an application for a state search warrant from the Lake County Superior Court for BALLETTTO's parcels and for BALLETTTO's home residence, 7515 Zeno Road, Lakeport, CA.

14. LAPD officers determined that the telephone that the Minor used to call LCSO dispatch was a cell phone. They then "pinged" that cell phone and tracked the signal to the Sacramento, California area. Later that evening, West Sacramento Police officers located the female who placed the call to the LCSO dispatch – a 15 year old girl – at a hotel in West Sacramento, CA. Officers took her into protective custody.

15. When they took the Minor into protective custody, West Sacramento Police Officers arrested an adult male, PATRICK PEARMAIN, who was with the juvenile female. While standing next to PEARMAIN's vehicle, an officer detected a strong odor of marijuana, even though the doors and windows were closed. The doors were unsecured and officers conducted a search. Officers discovered a black backpack inside from which the marijuana odor seemed to originate. Inside the bag was a large clear plastic bag containing marijuana. Also inside the bag were a number of prescription bottles, all prescribed to PEARMAIN. Officers also found receipts from Walmart for a TracFone.

16. Inside a room at the hotel in West Sacramento, officers found clothing belonging to PEARMAIN and to the Minor. They also found condoms, a pregnancy test, and the keys to a vehicle parked in front of the hotel room.

17. Officers also found a black notebook in PEARMAIN's possession. Written inside the notebook they found what appears to be a script for the Minor to work off of when she called the LCSO Dispatch or notes of what she told them:

- "The officer showed up at his house at 2:00 am"
- "He dropped me off in Sacramento"
- "Say OK"
- "Your phone #"
- "916 296 0683"
- "[The Minor's name]"
- "They think I'm missing"
- "Balletto"
- "Sacramento"
- "Motel"
- "I just want to make sure Ryan Balletto doesn't get in any trouble if you have any questions"

18. The notebook also contained apparent sketches of greenhouses and shopping lists for cultivation supplies.

19. As discussed below, PEARMAIN was later identified as a coconspirator with BALLETTTO in a marijuana cultivation operation located on BALLETTTO's parcels, and officers transferred PEARMAIN to the custody of the Lake County Sheriff's Office.

The May 1, 2013 Execution of the State Court Search Warrant – Discovery of the Marijuana Grow

20. On May 1, 2013 at approximately 7:00 a.m., a team of state and federal officers and agents from the Lake County Sheriff's Office (LCSO), the Department of Homeland Security (DHS), the Drug Enforcement Administration (DEA), and the Defense Criminal Investigative Service (DCIS) breached the main gate of the BALLETO parcels. The property includes approximately 680 acres of rugged terrain and dense foliage, many areas accessible only by all-terrain vehicle or on foot. Agents and officers reached the main grow site that Det. Walsh identified by air, and they found two large greenhouses and a silver travel trailer.

21. Greenhouse 1 contained 497 marijuana plants, most of which were over six feet in height. This count was verified by myself and DEA Special Agent Ken Richardson. Greenhouse 1 was outfitted with an elaborate cooling system, consisting of a wall mounted evaporative cooler that was approximately 40 feet long and 6 feet tall. Each plant was in its own planter that was individually irrigated. The greenhouse was also equipped with a light deprivation system that allowed BALLETO to manipulate the development of the plants to produce continuous growing cycles. Inside the travel trailer, they found mail addressed to PEARMAIN, which indicates that PEARMAIN was staying in the trailer. Also found inside the trailer were several prescription bottles in PEARMAIN's name, one of which had been filled in April 2013.

22. Greenhouse 2 contained 473 marijuana plants; this count was also verified by myself and SA Richardson. These plants were also individually potted and irrigated. All of the marijuana plants discovered in Greenhouses 1 and 2 were then eradicated. A "prescription" sheet for compassionate use of cannabis for PEARMAIN was stapled to the door.

23. While agents and officers were securing Greenhouses 1 and 2, additional officers continued deeper into the property to a third greenhouse that was identified by air that morning, Greenhouse 3. Near Greenhouse 3, officers discovered a camper trailer occupied by Ryan BALLETTTO. BALLETTTO was taken into custody by LCSO without incident.

24. Inside the trailer, officers discovered a cache of weapons, most of which were loaded, including:

- a Troy .223 caliber AR-15 style assault rifle with a night vision scope;
- a Troy .223 caliber AR-15 style assault rifle with a night vision scope and an EOTech scope;
- a Ruger Mk II .22 caliber pistol;
- a Springfield XD40 .40 caliber subcompact pistol; and
- a Sig Sauer P230SL .380 caliber pistol.

25. One of the AR-15s had been modified and had a fully functional, punch-button magazine release. A loaded pistol was found under the sleeping bag BALLETTTO was using. Stored with the rifles, officers found seven (7) fully loaded 30-round .223 caliber magazines, four (4) fully loaded 20-round .223 caliber magazines, and a large cache of assorted ammunition. Most of the rifles were outfitted with high-quality optics. With the weapons, officers found ballistic face masks, a helmet, a flak jacket, an armored plate carrier, night vision devices and a gas mask. Several of the items are believed to be military quality, and according to the Defense Criminal Investigative Service, are available only to soldiers on the battlefield.

26. Det. Walsh also discovered 175 marijuana clones inside seed trays in the trailer, which appeared to be prepared for outdoor cultivation.

27. Agents then moved on to Greenhouse 3, which contained 346 marijuana plants, all individually potted and irrigated. This count was also verified by myself and SA Richardson. These plants were also immediately eradicated.

28. BALLETTTO was advised of his Miranda rights at the scene, and admitted that the marijuana and the firearms were his.

29. While the grow sites at the BALLETTTO parcels were being eradicated, the Lake County Sheriff's Office also served a search warrant at BALLETTTO's residence at 7515 Zeno Road, Lakeport, CA. At that location, they contacted BALLETTTO's girlfriend once again. Deputies found a 7-month old infant sleeping on the master bed. Two feet away on the headboard, they discovered a fully loaded and chambered .45 caliber pistol. While deputies were in the residence, four other children were playing on the master bed – BALLETTTO's girlfriend has five children with BALLETTTO – within reach of where the firearm was stored. Agents also discovered a large gun safe in the house. Deputies asked BALLETTTO's girlfriend for the combination and she provided it. Inside were 17 firearms, including three assault rifles, three precision rifles, several high-capacity magazines and an aircraft GPS device. There were also hundreds of rounds of ammunition, over \$4,000, and indicia for BALLETTTO and his girlfriend.

30. Also found in the safe was a ponytail of human hair.

31. Deputies also found flight maps and paperwork related to the sale and transportation of marijuana in the apartment. Deputies found two bags of processed marijuana with a gross weight of 220 grams in the kitchen.

32. In a Mirandized statement, BALLETTTO's girlfriend mentioned a missing 15-year-old girl that LCSO deputies had questioned her about two days earlier. Deputies asked if

BALLETTO had mentioned the girl to her and she told them BALLETTO said it was a misunderstanding, and that someone was trying to get him in trouble.

The May 1, 2013 Execution of the State Court Search Warrant – Discovery of Sexual Abuse of the Minor

33. During the May 1, 2013 search of the BALLETTO parcels, inside and near the trailer near Greenhouse 3 where BALLETTO was living, officers found equipment consistent with sexual bondage and sadomasochism. They recovered two dildos inside the trailer as well as a rope tied into a noose. Among the items was a homemade “rack,” which consisted of a large wooden frame with eyebolts at the corners, presumably to attach a human to the device and immobilize them. Underneath the rack, the LCSO evidence technician found a white towel that appeared to have blood stains on it. She tested it with Hemident on scene, which is a presumptive test for the presence of blood. She received a positive reaction.

34. Outside of the trailer officers located a pile of wooden beams. They appeared to have been dissembled. Interwoven in the lumber was some type of metal and leather harness. The device was worn and well used.

35. Outside the trailer, officers discovered a metal toolbox, approximately 4’ long by 2’ wide by 2’ deep, that had been altered to imprison a human. Air holes had been drilled into the lid and a blanket was left inside. What appeared to be human hair was also found inside the box. A decal inside the box depicted an animal skull surrounding the shadow image of a human skull with the logo “Bone Collector.”

Interview of The Minor

36. Since she has been taken into protective custody, the 15 year old female has described some of the events that took place during her time with BALLETO and PEARMAIN at what she referred to as the “farm” – the BALLETO parcels. The Minor has told law enforcement that while on BALLETO’s parcels, she worked for BALLETO by “trimming” for him because she was good at it. I know from my training and experience that “trimming” in this context refers to cutting the marijuana buds and preparing them to be dried for sale and consumption. I know that “trimming” is an essential, and labor-intensive, part of the process of manufacturing and distributing marijuana.

37. The Minor has also provided the following information: (1) She was confined in the metal toolbox described above on two occasions for a total of approximately three days. (2) PEARMAIN engaged in multiple sex acts with her, including oral copulation and vaginal intercourse, sometimes with condoms.¹ (3) BALLETO engaged in multiple sex acts with her including oral copulation and sodomy, sometimes with condoms.² (4) BALLETO told her she was a “trooper” because she didn’t scream in the box.

38. The Minor also described the marijuana grow as a “mission” that BALLETO and PEARMAIN were running, and that one of the reasons that BALLETO and PEARMAIN locked her in the box was to protect “the mission.” Specifically, they did not want the Minor to “ruin the mission” or “go off and say something about the mission.” The Minor also said that they put her in the box to “teach” her because they “had to prove a point.” PEARMAIN told the

¹ The Minor indicated that these sex acts were “consensual.” Of course, due to the Minor’s age, she is legally unable to give consent to have sexual activity with an adult. PEARMAIN is 24 years old.

² The Minor indicated that the sex acts with BALLETO were “not as consensual as” those with PEARMAIN, and that she engaged in sex acts with BALLETO to “help him out.” BALLETO is 30 years old.

Minor that they put her in the box to tell her not to “fuck up” because they “have a whole lot of money on this [the marijuana grow] right now.” He also told the Minor that they wanted to “help her” because she could “help them” because she is “good with trimming.”

39. During that interview, the Minor recounted that she had been locked in the box and that the box had been hoisted at an angle to allow a water hose to be inserted. Water was run through the hose into the box and drained out a hole in the bottom. This was done to wash her off and rinse human waste from the inside of the box without letting her out. She also said the first initial of her first name was spray painted inside the box to mark it as hers.

40. A poem signed by the Minor found in BALLETTTO’s trailer described her life as being locked inside a box with holes in it.

CONCLUSION

41. Based upon the evidence set forth herein, there probable cause to believe that RYAN ALAN BALLETTTO committed violations of 21 U.S.C. § 846 – Conspiracy to Possess with Intent to Distribute 1,000 or More Marijuana Plants, 21 U.S.C. § 861 – Use of a Minor in Drug Operations, and 18 U.S.C. § 924(c) – Possession of a Firearm in Furtherance of a Drug Trafficking Crime and that PATRICK STEVEN PEARMAIN committed violations of 21 U.S.C. § 846 – Conspiracy to Possess with Intent to Distribute 1,000 or More Marijuana Plants and 21 U.S.C. § 861 – Use of a Minor in Drug Operations.

I declare under penalty of perjury under the laws of the United States that the foregoing is

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true and correct to the best of my knowledge and belief.



Andrew M. Jensen, Special Agent
U.S. Department of Homeland Security
Immigration and Customs Enforcement
Homeland Security Investigations

Subscribed and sworn before me on:

7/10/13
Date


HON. NANDOR J. VADAS
U.S. MAGISTRATE JUDGE

true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read "Andrew M. Jensen", written over a horizontal line.

Andrew M. Jensen, Special Agent
U.S. Department of Homeland Security
Immigration and Customs Enforcement
Homeland Security Investigations

Subscribed and sworn before me on:

Date

HON. NANDOR J. VADAS
U.S. MAGISTRATE JUDGE